

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF EXPENDITURE)	ADMINISTRATIVE ORDER
CONTAINMENT FOR THE BALANCE OF)	NO. 94-021
FISCAL YEAR 1993-1994)	
_____)	

In consultation with the Courts Management Team (Court Administrator, Clerk of the Court, Director of Juvenile Court Services, Director of Justice Court Services, Chief Adult Probation Officer, Law Librarian and Director of Conciliation Court Services), and considering the actions of the Board of Supervisors, it is reasonable to believe that the Maricopa County General Fund may exhibit a deficit of up to \$22 million for the Fiscal Year 1993-94, which ends June 30, 1994.

The guiding principle of the Court Institution components funded by Maricopa County, namely the Superior Court, the Juvenile Court, the Justice Courts, the Clerk of the Court and Adult Probation, is that the Court Institution is constitutionally mandated to provide reasonable meaningful access to the courts and to provide due process thereafter. In short, this is the responsibility and duty to administer justice. A part of this responsibility is the duty to the taxpayers to wisely contain our expenditures without impairing or destroying the administration of justice. Decisions regarding these duties and responsibilities rest with the Court Institution.

The Board of Supervisors has imposed on County agencies a 15% reduction in force and four mandatory days off without pay for the balance of FY 93-94. A restructuring plan to create a more streamlined County government has been adopted. The Board has informed the Court Institution that the County's bond credit rating has been in jeopardy throughout this fiscal year. These actions and this information, along with other matters, have assisted in the Court's conclusion that the Board of Supervisors and County administration is taking good faith, drastic expenditure reduction actions pertaining to the balance of this fiscal year.

The Board of Supervisors requested that the Court Institution reduce its expenditures before June 30, 1994, by a "target figure." This "target figure" was determined by calculating a 15% reduction in personnel costs and the equivalent of four unpaid days for staff. The Court Institution has cooperated with County officials to reach a "target figure" which differed from that which was originally proposed.

As directed by caselaw, where public safety is not compromised, the Court Institution must make a good faith effort to contain expenditures and enhance revenues. Such good faith effort does not, however, require the Court to take the same action as taken by the Board of Supervisors. Additionally, and most significant, a good faith effort does not require that the "target figure" be met without regard to the consequences to the administration of justice.

This order is to resolve issues with regard to fiscal year 1993-1994. Except as otherwise noted, to accommodate court calendaring and administrative procedures, this order will remain in effect through Friday, July 1, 1994.

Accordingly, it is

ORDERED:

1. Starting at 12:01 a.m. Monday, March 28, 1994 and until midnight, Friday, July 1, 1994, public access hours to the East, Central and West Court Buildings in downtown Phoenix, and to the Southeast Superior Court Branch Facility at 222 East Javalina Avenue in Mesa will be 8:00 a.m. to 3:00 p.m., Monday through Friday. This means entry to these court facilities after 3:00 p.m. on weekdays will be restricted.

There will be no public access permitted on Saturdays, Sundays, or holidays.

The filing counters for the Clerk of Superior Court will close at 3:00 p.m. The Clerk will open the "night filing" window from 3:00 to 9:00 p.m. Previous arrangements by the Clerk for emergency filing after 9:00 p.m. and before 8:00 a.m. will remain in force.

2. Court business inside the downtown Phoenix and Southeast Branch courthouses will continue as usual with trials and other proceedings presumptively ending at 5:00 p.m. It is neither intended, nor implied, that the Court Institution will cease operation at 3:00 p.m. on any court day.
3. The Clerk of the Court has attempted to meet the reduction "target figure" by four mandatory days without pay and a general reduction in force (RIF). The RIF

involved about 70 personnel in addition to the 80 vacant positions already held in fiscal 1993-94. Restricting public access hours will allow the Clerk to reassign staff after 3:00 p.m. to various other

functions including, but not limited to, processing filings in a reasonable, timely manner under the circumstances. This action of the Clerk of the Court is hereby approved and ordered.

4. Full time staff in Superior Court Administration, Superior Court judicial divisions (excluding Superior Court judicial officers) and Clerk of Superior Court (excluding the elected Clerk of the Court) will take the equivalent of 32 hours off without pay before June 18, 1994. For part-time employees, the payless hours will be prorated based on their total work hours. The presumptive method will be to pay full time employees for 75 hours for the pay periods from March 27 through May 21, and 74 hours a pay period from May 22 through June 18, 1994. Alternative arrangements may be implemented within different divisions or units of Superior Court.
5. The Superior Court "traveling calendars" and the Clerk of the Court "traveling passport and marriage license service", held in Peoria and Scottsdale, have been suspended effective April 1, 1994, until further order. This suspension remains in effect.
6. Conciliation Court personnel, to the extent possible, will be moved from General Fund positions to Conciliation Court Fund 713.
7. Effective June 6, 1994, the juror bus service from the Fourth Avenue and Fillmore parking lot in Phoenix will be eliminated pursuant to a decision by the County to sell that property in April, 1994. This portion of this order will not expire on July 1, 1994.
8. All reimbursement for judicial and staff travel and expenses for conferences, COJET, or other training is eliminated for all Court departments.
9. All Superior Court criminal divisions and Northeast Phoenix Justice Court, Northwest Phoenix Justice Court, East Phoenix #1 Justice Court, and Tolleson Justice Court will not schedule criminal proceedings on the Fridays of May 13, May 27, June 10, and June 24, 1994. The Initial Appearance Court, necessary Arraignment Hearings and other exceptions as approved by the Presiding Criminal

Department Judge are not precluded by this order.

10. As determined by the Chief Adult Probation Officer, after consultation with the Presiding Judge, the Adult Probation Department may require up to four payless days of staff.
11. As was determined by the Justices of the Peace, the Justice Courts will:
 - A. Continue the program of voluntary furlough days;
 - B. Transfer all on-calls and summer aides to grant funding;
 - C. Eliminate overtime;
 - D. Reduce pro tem usage by 1,000 hours;
 - E. Implement the court reporter contract; and,
 - F. Impose a calendar call for court interpreter cases.

This action of the Justices of the Peace is hereby approved and ordered.

12. The Justice Courts will not eliminate the Work Alternative and Skip Tracing programs nor RIF the Work Alternative Coordinator or Skip Tracer because these functions are revenue enhancing.
13. The Court Administrator will immediately take all necessary steps to commence the Contributions for Cost of Counsel Program in the Initial Appearance Court.
14. The Court Administrator will immediately take all necessary steps to insure the implementation of bond forfeiture proceedings in conjunction with the County Attorney and Clerk of the Court and any other necessary persons or agencies.
15. The Court Administrator will immediately take all steps necessary to make permanent the Intensive Collections Program.
16. The Court Administrator will immediately take all steps necessary to move as many personnel from General Fund positions to grant fund positions without supplanting General Funds.
17. Orders concerning the implementation of good faith

efforts to meet the "target figure", as it relates to Juvenile Court, will be entered by the Presiding Juvenile Court Judge.

18. These orders shall be implemented pursuant to procedures developed by Court Administration, the Clerk of the Court, Justice Court Administration, and the Chief Adult Probation Officer, as applicable, in consultation with the Presiding Judge of the Superior Court or designees.

ORDERED that, except as otherwise noted herein, this order will expire as of midnight, Friday, July 1, 1994.

C. Kimball Rose, Presiding Judge

Original filed with the Clerk of the Court
Chief Justice Stanley G. Feldman
All Superior Court Judges and Commissioners
Justices of the Peace
Judith Allen, Clerk of the Superior Court
Gordon M. Griller, Court Administrator
Norm Helber, Chief Adult Probation Officer
Russ Schoeneman, Director of Conciliation Services
Ernie Garcia, Director of Juvenile Court Services
Hon. Ronald S. Reinstein, Presiding Criminal Judge
Hon. James E. McDougall, Presiding Juvenile Court Judge
Richard Ortiz, Administrator, Justice Court Services
Fran Jones, Director, Law Library
Marcus Reinkensmeyer, Acting Director, JIS
Betsey Bayless, Chair, Board of Supervisors
Barbra Cooper, Acting County Manager